

**EXHIBIT 2**

**Interconnection ~~Agreement~~ Excerpted Pages  
with Definition of End User**

Southwestern Bell Telephone  
1616 Guadalupe, Room 600  
Austin, Texas 78701  
Phone: 512.870.5714  
Fax: 512.870.3420  
Email: aj9753@tworld.sbc.com

Andrew M. Jones  
Attorney  
Legal

Southwestern Bell



August 16, 2001

Commission Filing Clerk  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
Austin, Texas 78701

RE: Docket 24363 Joint Application of Southwestern Bell Telephone Company and El Paso Networks, LLC for Approval of Amendment to Interconnection Agreement under PURA and the Telecommunications Act of 1996

Dear Filing Clerk:

In response to Order No. 2, Approving Amendment to Interconnection Agreement, issued August 10, 2001, attached is the complete amended interconnection agreement between Southwestern Bell Telephone Company and El Paso Networks, LLC.

Please do not hesitate to call me if you have any questions regarding this matter.

Sincerely,

Andrew M. Jones  
Attorney

cc: Dennis Price, Vice President for El Paso Networks, LLC (overnight delivery)  
General Counsel, PUC (hand delivered)  
Central Records, PUC (hand delivered)

INTERCONNECTION AGREEMENT-TEXAS

between

Southwestern Bell Telephone Company

and

El Paso Networks, LLC

**TABLE OF CONTENTS**  
**INTERCONNECTION AGREEMENT-TEXAS**  
**BETWEEN**  
**SOUTHWESTERN BELL TELEPHONE COMPANY**  
**AND**  
**El Paso Networks, LLC**

|     |  |    |
|-----|--|----|
| 1.  | <u>Introduction</u> .....                                | 1  |
| 2.  | <u>Effective Date</u> .....                              | 2  |
| 3.  | <u>Intervening Law</u> .....                             | 2  |
| 4.  | <u>Term of Agreement</u> .....                           | "  |
| 5.  | <u>Assignment</u> .....                                  | 4  |
| 6.  | <u>Confidentiality and Proprietary Information</u> ..... | 4  |
| 7.  | <u>Liability and Indemnification</u> .....               | 6  |
| 8.  | <u>Payment of Rates and Charges</u> .....                | 9  |
| 9.  | <u>Dispute Resolution</u> .....                          | 10 |
| 10. | <u>Termination of Service to CLEC</u> .....              | 13 |
| 11. | <u>Notices</u> .....                                     | 14 |
| 12. | <u>Taxes</u> .....                                       | 15 |
| 13. | <u>Force Majeure</u> .....                               | 17 |
| 14. | <u>Publicity</u> .....                                   | 17 |
| 15. | <u>Network Maintenance and Management</u> .....          | 17 |
| 16. | <u>Law Enforcement and Civil Process</u> .....           | 13 |
| 17. | <u>Changes in Subscriber Carrier Selection</u> .....     | 19 |
| 18. | <u>Amendments or Waivers</u> .....                       | 19 |
| 19. | <u>Authority</u> .....                                   | 20 |
| 20. | <u>Binding Effect</u> .....                              | 20 |
| 21. | <u>Consent</u> .....                                     | 20 |
| 22. | <u>Expenses</u> .....                                    | 20 |
| 23. | <u>Headings</u> .....                                    | 20 |
| 24. | <u>Relationship of Parties</u> .....                     | 20 |
| 25. | <u>Conflict of Interest</u> .....                        | 21 |
| 26. | <u>Multiple Counterparts</u> .....                       | 21 |
| 27. | <u>Third Party Beneficiaries</u> .....                   | 21 |
| 28. | <u>Regulatory Approval</u> .....                         | 21 |
| 29. | <u>Trademarks and Trade Names</u> .....                  | 21 |
| 30. | <u>Regulatory Authority</u> .....                        | 21 |
| 31. | <u>Effect of Other Agreements</u> .....                  | 22 |
| 32. | <u>Verification Reviews</u> .....                        | 23 |
| 33. | <u>Complete Terms</u> .....                              | 24 |
| 34. | <u>Cooperation on Preventing End User Fraud</u> .....    | 25 |
| 35. | <u>Notice of Network Changes</u> .....                   | 25 |
| 36. | <u>Good Faith Performance</u> .....                      | 25 |
| 37. | <u>Responsibility of Each Party</u> .....                | 25 |

obligation for either Party. A defined word intended to convey its special meaning is capitalized when used. Other terms that are capitalized and not defined in this Agreement will have the meaning in the Act. The following terms have been defined through arbitration:

- 53.2 "Central Office Switch" means a switching system within the public switched telecommunications network, including the following:
- (i) "End Office Switches" which are switches where end user Exchange Services are directly connected and offered; and
  - (ii) "Tandem Office Switches" or "Tandems" which are switches used to connect and switch trunk circuits between Central Office Switches. Central Office Switches may be employed as combination End Office/Tandem Office switches.
- 53.3 "Collocation" means an arrangement whereby one Party's (the "Collocating Party") facilities are terminated in its equipment necessary for Interconnection or for access to Network Elements on an unbundled basis which has been installed and maintained at the premises of a second Party (the "Housing Party"). Collocation may be "physical" or "virtual." In "Physical Collocation," the Collocating Party installs and maintains its own equipment in the Housing Party's premises. In "Virtual Collocation," the Housing Party installs and maintains the collocated equipment in the Housing Party's premises. Collocation includes, but is not limited to, collocation of 38 GHz basic transmission equipment, provided it complies with the guidelines in SWBT's current Physical Collocation Technical Publication provided to CLEC. CLEC may collocate, "physically" or "virtually", remote switch modules (RSMs) in SWBT's central offices. CLEC may not collocate switching equipment in SWBT's central offices without SWBT's consent.
- 53.4 "Common Channel Signaling" or "CCS" is a special network, fully separate from the transmission path of the public switched network that digitally transmits call set-up and network control data. The parties hereby agree that an ISDN D-Channel, which unlike SS7, utilizes transmission paths of the public switched network to digitally transmit call set-up and network control data is a method of interconnecting "CCS" type information.
- 53.5 "End User" means a third-party residence or business, that subscribes to Telecommunications Services provided by either of the Parties, or by another telecommunications service provider or any other entity that is treated as an "End User" by Commission or FCC rules.
- 53.6 "Enhanced service" means voice mail, Internet service, and text-messaging services and other services both parties mutually agree are enhanced services.
- 53.7 "Enhanced Service Provider" ESP's include but are not limited to voice mail companies, Internet Service Providers and text-messaging companies.

- 53.8 Intentionally left blank by parties.
- 53.9 "Internet Service Provider (ISP)" is any person or entity that provides the ability for end users to access the features, functions and information available over the Internet (Internet access) using the public switched telephone network.
- 53.10 "Interconnection Activation Date" is the date that the construction of the joint facility Interconnection arrangement has been completed, trunk groups have been established, and joint trunk testing is completed.
- 53.11 "Local Traffic," for purposes of intercompany compensation, is if (i) the call originates and terminates in the same SWBT exchange area; or (ii) originates and terminates within different SWBT Exchanges that share a common mandatory local calling area, e.g., mandatory Extended Area Service (EAS), mandatory Extended Local Calling Service (ELCS), or other like types of mandatory expanded local calling scopes. Local traffic includes traffic to or from enhanced service providers.
- 53.12 "Remote Switching Module" means a telecommunication device which connects to a host switch by DS-1, DS-3, Dark Fiber, or other transmission media. Remote Switching Modules include but are not limited to, Siemens ESWD RCU's and DLUs.
- 53.13 "Special Request" means the process described in Appendix UNE that is attached hereto and incorporated herein that prescribes the terms and conditions relating to a Party's request that the other Party provide a Network Element as that term is identified in Attachment 6.

**54.0 Resale**

- 54.1 At the request of CLEC, and pursuant to the requirements of the Act, any telecommunications service that SWBT currently provides or hereafter offers to any customer in the geographic area where SWBT is the incumbent LEC will be made available to CLEC by SWBT for Resale in accordance with the terms, conditions and prices set forth in this Agreement. Specific provisions concerning Resale are addressed in Attachment 1: Resale, and other applicable Attachments.

**55.0 Unbundled Network Elements**

- 55.1 At the request of CLEC and pursuant to the requirements of the Act, SWBT will offer in the geographic area where SWBT is the incumbent LEC Network Elements to CLEC on an unbundled basis on rates, terms and conditions set forth in this Agreement that are just, reasonable, and non-discriminatory. Specific Provisions concerning Unbundled Network

08/14/01

---

EXHIBIT 3

**Affidavit of Pantios Manias**

DOCKET NO. 26904

|                             |   |                           |
|-----------------------------|---|---------------------------|
| COMPLAINT OF SOUTHWESTERN   | § |                           |
| BELL TELEPHONE, LP FOR POST | § | PUBLIC UTILITY COMMISSION |
| INTERCONNECTION AGREEMENT   | § |                           |
| DISPUTE RESOLUTION WITH     | § | OF TEXAS                  |
| EL PASO NETWORKS, LLC       | § |                           |

EL PASO NETWORKS, LLC  
RESPONSE. COUNTERCLAIM. AND REQUEST FOR AN INTERIM RULING

AFFIDAVIT OF PANTIOS MANIAS

Pantios Manias, being duly sworn upon oath, deposes and states **as** follows:

1. My name is Pantios Manias. I **am** Senior Vice President for Carrier Relations, Regulatory and Business Development for El Paso Global Networks ("EPGN"), the parent company of El Paso Networks, L.L.C. ("EPN"). Prior to joining El Paso I worked for over four years at Southwestern Bell Telephone Company ("**SWBT**") in Texas. I began working at **SWBT** in 1996 **as** a Manager in the Network organization. In 1997 I moved to a position **as** a Special Access Account Manager selling Special Access to Wireless Carriers, and in my last position with SWBT I served as a CLEC Account Manager.
2. In my position at EPGN I am responsible for maintaining relations with the other telecommunications carriers, including incumbent LECs with whom EPN does business. For example, I **am** responsible for managing the negotiations of interconnection agreements and the day to day interaction between EPN personnel and **SWBT**. I also have knowledge of EPN's relationship with its customers and am frequently involved in negotiating deals with customers that **seek** to obtain telecommunications services **from** EPN.



3. The purpose of my affidavit is to demonstrate that if SWBT is allowed to withhold access to Wireless carrier Cell Sites **as UNEs**, EPN will **suffer** irreparable ~~harm~~ and be precluded from provisioning scheduled service to its customer. Namely, EPN will lose the ability to serve Wireless carrier customers, will suffer irreparable damage **to** its business reputation for providing timely ~~service~~, and will lose its ability to compete in a meaningful way to provide telecommunications services to customers in Texas.
4. In this affidavit, I will first discuss EPN's **orders** for UNE DS1 loops to cell sites. **In this** section ~~of~~ my affidavit I will: describe how EPN submitted the orders to SWBT; show that EPN provided SWBT information indicating the orders were for a wireless carrier and for circuits to that carrier's cell sites; explain SWBT's policy that requires EPN to obtain such circuits **as** loops; show that pursuant to that policy, EPN has ordered DS1 and other loops to telecommunications carrier locations; and explain how SWBT's internal systems are set up to recognize such locations **as** loop addresses. Then my affidavit will show how SWBT's action precludes EPN **from** providing scheduled service to its wireless customer and to other wireless customers that wish to do business with EPN.
5. EPN is in the market to provide high-speed telecommunications transport services to telecommunications *carriers* **and high-volume business users**. To serve the needs of these customers, EPN **has** deployed a state of the art transport network in five cities in Texas: **Austin**, San Antonio, Dallas, Houston and **Fort** Worth. EPN has now completed its **transport** network, has collocated in most of SWBT's central offices in each of these five cities, and has connected these offices using dark fiber obtained from SWBT. EPN is now mostly focused on attracting customers to its transport network. To reach **these** cus-

tomers, EPN must have access to UNEs between EPN's collocation arrangements in **SWBT** central offices and the customer's premises.

**A. EPN's UNE DS1 Loop Orders for A National Level Wireless Carrier Customer Cell Sites**

6. Between May 7, 2002, and June 27, 2002 EPN submitted 83 orders for DS1 UNE Loops to serve cell sites in Texas for a national level wireless customer. **SWBT** provisioned all 83 of these DSI loops. **During** the ordering process, EPN discovered that **SWBT's** ~~Op~~erations Support Systems, in some **cases**, contained a different street address for the cell sites than the address that the wireless customer provided to EPN. The reason for **this** difference between the address the wireless carrier provided EPN and the address in **SWBT's** OSS is that **wireless carriers** frequently assign street addresses **to** their cell sites simply for the purpose of obtaining a telecommunication service to its cell towers that are generally located at a vacant lot or some other obscure area (**so** the tower remains unobtrusive). In other words, cell sites are often located **on** property that lacks a standard street address. In order to ensure that the order flows **through SWBT's** OSS, the **SWBT** engineer who initially designs the original circuit would work with the wireless carrier's cellular engineer to designate **an** address for use in the internal **SWBT** systems. Most of the time the wireless carrier engineer would have an idea of how the cell site should be addressed, although, in the past, it did not need to be an exact science. Although EPN's customer (the Wireless Carrier) provides EPN with the purported street addresses for its cell site where it is requesting EPN provide service, there is generally **no** way for EPN to retrieve the precise address information that was used in the **SWBT** systems. The older

cell sites present greater **difficulty** in ascertaining the street address **SWBT** has assigned to that site. For recently deployed cell sites, the task is easier because in order to include E-911 capability the wireless *carriers must* provide precise addresses for their newly deployed cell towers.

7. Of the 83 orders that **SWBT** eventually provisioned for EPN, there were approximately twelve (12) orders where the address EPN's wireless carrier customer provided to EPN differed from the address residing in **SWBT's OSS**. For these 12 orders where there was an address discrepancy, EPN's wireless carrier customer provided EPN a circuit number identifying an existing circuit that **SWBT** had provisioned to the same cell site, thus allowing **SWBT** to locate the assigned address in their system, change the address on the EPN **service** order and provision the order to install the **DS1** loop. EPN personnel also discussed the address with **SWBT** personnel in the Local **Service** Center ("**LSC**"). Exhibits 10-12 show EPN's provisioning notes that reflect what information EPN provided **SWBT**.<sup>i</sup> For instance, exhibit 10 shows that for the particular order, the **SWBT** LSC representative, Charity **King**, was aware that the loop was **to** a cell site located on a water tower? **SWBT** was obviously aware the customer was a wireless carrier, **as** the customer's name was on each LSR, and on at least four orders EPN clearly identified the customer premises was clearly marked **as** a carrier cell site. For example, Exhibit 6 shows that EPN submitted a **LSR** to **SWBT**, explaining in the Remarks field of the con-

---

<sup>i</sup> EPN Provisioning Notes Order Q 2525, p. 2 of exhibit (indicating customer care at SWBT request for **EF** to "add roof to address info"); EPN Provisioning Notes Order Q 2214, p. 6 of exhibit ("requesting circuit to go to cell site").

<sup>2</sup> EPN Provisioning Notes Order Q 2234, attached as Exhibit 10, page 2 of exhibit.

tact section on the **LSR** that “**this** location is a **cell** site.” Consistent with its policy, **SWBT** provisioned the loop, and even after EPN submitted that order, provisioned other **orders** from EPN for the **same** customer. In another **LSR**, EPN noted that the customer premise is “located at **the cell** site.” Other EPN **LSRs** identified the **premises** as “cell site.” Further, when working together to resolve address conflicts, EPN informed **SWBT** personnel that the locations were cell sites. After EPN informed **SWBT** that the customer locations were cell sites, **SWBT** continued to provision EPN’s orders. This ~~was~~ consistent with **SWBT**’s policy at all times. In addition, other orders in the group of 83 that **SWBT** provisioned were, at some point in the ordering process either rejected or jeopardized due to no facilities available. **On** at least one of these occasions, **SWBT** rejected the order after it had already provided EPN with a ~~firm~~ order confirmation, but a **SWBT** outside plant technician had visited **the** field to install the circuit and found no facilities available! It is likely that after its technician made a field visit in an attempt to install the loop, **SWBT** **knew** that the customer premise was a cell site. **SWBT** clearly possessed information that the DS1 UNE loops EPN ordered for **this** customer were cell sites, **yet** **SWBT** continued to provision EPN’s **orders**.

8. **On** approximately September 23, 2002, **SWBT** ~~ceased~~ its prior practice of assisting EPN to resolve the *address* conflicts between the EPN customer provided address and the ad-

---

EPN **LSR** ~~for~~ PON Number 1ULQ2017 attached as Exhibit 6; ~~Marlas~~ Affidavit ¶ 7

<sup>4</sup> EPN **LSR** for PON Number 1ELQ02226, attached as Exhibit 7.

<sup>5</sup> EPN **LSR** for PON Number 1ULQ02228, attached as Exhibit 8; EPN **LSR** for PON Number 1ULQ02214, attached as Exhibit 9.

<sup>6</sup> **SWBT** ultimately performed the necessary work to make access to the UNE available to EPN.

dress resident in **SWBT's OSS**. **SWBT's** October 11, 2002 letter to EPN was the first time SWBT took the new and **stark** position that loops to a cell site are not UNE loops. Given this policy change, **SWBT** refused to provide the needed address data that would allow EPN to enter the **orders into** the **SWBT** provisioning system. EPN currently has 26 customer orders where **SWBT** refuses to assist EPN in verifying these addresses and **refuses** to provision for EPN. EPN has even taken the extraordinary step of obtaining a Letter of Authorization ("LOA") from EPN's wireless carrier customer which specifically **grants** EPN the authority to act and request information on the customer's behalf. For example, the LOA **grants** EPN the right to request address verification information **from SWBT's** Local **Service** Center ("LSC") but **SWBT** still refuses to provide EPN **this** information. SWBT absolutely refuses to verify the addresses for these orders

9. **SWBT's** position that facilities between the **main** distribution frame and the customer's premises are not loops when the customer premises is a cell site is inconsistent with **SWBT's** practice and operations before the current dispute. Before SWBT stopped verifying addresses on EPN's orders in September, 2002, **SWBT** provisioned 83 DS1 UNE loops to cell site for EPN. In addition, prior to September 23, 2002, when the wireless carrier customer provided EPN **an** address that had the correct address and EPN then submitted the **service** order through **SWBT's OSS** system, the service order flowed **through** SWBT's system and SWBT installation personnel provisioned the circuit **as** a UNE loop without a problem. In other words, **SWBT** has designed its Operational Support Systems to recognize cell sites **as** a loop address. Further, **SWBT's** Plant Location Records ("PLRs") make no distinction between a cell site and any other loop address.

Similarly other **SWBT** provisioning systems, such as FACS and **TIRKS**, do not differentiate cell sites from other loop addresses.

10. In fact, the basic network architecture of a wireless network configuration dictates that the facility between the **SWBT central** office and the cell site is a loop. Importantly, in urban areas, cell sites are often (if not mostly) located atop multi-tenant buildings and not separate cell towers. These building-based cell sites are served by the same DS-1 loop configuration used by **every** other DS-1 customer in the building. There simply is **no** difference. Included with EPN's pleading as Attachment 4 is a basic diagram that shows how EPN uses DS1 UNE loops to connect wireless carrier cell sites to the rest of the wireless carrier's network.
11. **SWBT's** position that DS1 facilities are not available as DSI UNE loops appears to be a reversal of SWBT's policy, under the Waller Creek/EPN Interconnection Agreement, of forcing EPN to purchase loops rather than entrance facilities to carrier locations where there is no carrier switch present. Under the existing agreement, **SWBT** has required EPN to order such loops and that is how SWBT's OSS handles such requests. EPN can not order such circuits as entrance facilities because SWBT's OSS is programmed to reject **UDT** entrance facility service orders that do not include a switch CLLI code. Likewise, pursuant to **SWBT's** current pricing, DS1 UNE loops and DSI UNE entrance facilities are the same price.<sup>7</sup> EPN has, over the course of the existing Agreement, obtained many DS1 and DS3 loops to its telecommunications carrier customer locations.

---

7

T2A Appendix Pricing Schedule of UNE Prices April 16, 2001.

SWBT has never before rejected a UNE loop order on the sole basis that the customer being **served** by the loop was a telecommunications carrier.

**B. EPN Will Be Harmed Without Access to UNEs from SWBT to Wireless Carrier Cell Sites**

12. Generally, Commercial Mobile Radio Service ("CMRS") or wireless carriers establish a location called a Mobile Telecommunications Switching ~~office~~ ( "**MTSO** ") that provides "entrance facilities" to a SWBT central ~~office~~. From the **SWBT** central office, the channel ~~terminations~~/loops connect to individual cell sites **in** a metropolitan **area**. Interestingly, most of the wireless network is carried over wireline facilities. From my discussions with wireless ~~d e r~~ customers I believe that SWBT currently provides ~~over~~ **85%** of the transport that wireless ~~carriers~~ use in their network. These **ILEC** wireline facilities **connect** the cell towers to the MTSO, which then ~~transmits~~ the calls **on to** the Public Switched Telecommunications Network ("PSTN"). The only wireless connection is ~~from~~ the cell site or tower to the caller's mobile phone.
13. When a CMRS carrier expands its network to a new territory, it needs to establish multiple cell sites to ensure that its customers *can* have a continuous wireless connection **as** they travel. For instance, **as** a caller travels on **1-35** from Austin to Waco, the cellular connection is passed or "handed off" **from** one cell site to the next **as** the cellular ~~cus-~~tomers travel down the highway. As another example, a single *carrier* operating in the Dallas-Fort Worth area would need to install approximately 400 to **450** separate cell sites to provide thorough coverage of that area. Similarly, Houston requires approximately 400 cell sites; San Antonio and Austin each would need between 180 and 200 sites. ~~De-~~

pending on the technology ~~used~~, generally the wireless carrier will request one or ~~two~~ DS1 ~~connections~~ back to the ILEC Wire center ~~from~~ each cell site it installs. That bandwidth requirement will ~~increase as~~ Wireless carriers upgrade their wireless networks and add additional features and applications such ~~as~~ transmitting digital pictures to their consumer products.

14. In order to ~~meet~~ the wireline telecommunications transport needs of the wireless carrier, a telecommunications carrier must be able to provision telecommunications services to each cell site in the Wireless carrier's footprint. Logically, ~~this requires~~ that the telecommunications carrier have access to a ubiquitous network that covers the entire footprint and has the economy of scope and scale that makes deploying facilities to reach the cell sites economically feasible. The only carrier with that network is the ILEC, whose network was built using ratepayer dollars during the era when the ILEC had a state sanctioned and guaranteed monopoly, thus ensuring that it would always have customers to use the facilities it deployed and those customers would pay the ILEC rates ~~set~~ by regulators that virtually ~~eliminated~~ any risk of stranded investment. Even for new deployment of cell towers the sites are largely in already populated areas (where there are existing and potential wireless subscribers and ~~thus~~ demand for service). In many cases SWBT will have existing backbone and feeder cables in place and only needs to add the last portion of cable to ~~connect~~ the existing backbone or feeder cable to any new lateral cable that it must deploy to reach the new cell site. Thus, the ILEC is the only ~~carrier~~ that can economically deploy such facilities because the ~~facilities~~ simply expand the existing ubiquitous network the ILEC ~~already has~~ placed in the ground.



15. In order for a CLEC to compete for **this** business, because of the low volume of circuits required to serve each individual cell site and the large number of locations in each metropolitan **area**, the CLEC *can* not serve the Wireless Carrier customer without access to **UNEs**.
16. **This** market is an important market **as wireless** subscriber levels increase. As demand for wireless service increases *carriers* are constantly adding capacity and expanding their network. In order to bring new and better services to their customers in Texas and at the same time lower prices, wireless **carriers** need to reduce their **costs**. Since a large chunk of their **costs** are special access fees paid to SWBT, it is **only** logical that the **carriers** are looking to CLECs **as** potential **sources** of supply for the inputs that are critical to the viability of the service they provide Texas **consumers**. The absence of competition in **this** regard will likely effect the quality of the wireless **service** and the price consumers pay for such service in the state of Texas. There are currently six large cellular providers in the major market areas of Texas: Verizon Wireless, AT&T Wireless, Cingular, T Mobile (formerly VoiceStream), Nextel and Sprint PCS. In the tier one cities of Texas: Austin, San Antonio, Dallas, Fort Worth and Houston, a conservative estimate **suggests** that there over 12,000 potential DSI loops used by wireless carriers that unless the Commission takes action will not be subject to competition. In other words, Texas wireless carriers and all Texas mobile phone **users** will suddenly be refused the benefits of the Federal Telecommunications Act and the benefits of competition.
17. In its October 11, letter SWBT proposed that EPGN order the circuits **as** **UNEs** but put in **an** escrow fund the difference between the price of a DS1 UNE loop and the SWBT **FCC**

73 tariff price of a DS1 special access service until this dispute is resolved. EPN's experience reflects that it *can* take years to resolve these disputes, especially since **SWBT** usually appeals any adverse decision to the courts. **Currently**, the cost difference between a **SWBT FCC 73 Special Access DS1 channel termination** and a DS1 UNE loop is approximately \$125.00 per month.<sup>8</sup> With the potential to sell over 12,000 circuits, the overall cost per month for the CLEC community could be 1.5 million dollars a month. Even at a conservative estimate of EPN obtaining 1/12th of the market share or 1,000 of these circuits, the monthly amount in escrow by EPN would be \$125,000. This adds up to 1.5 million dollars a year. Neither EPN nor any other CLEC in this difficult economic time has the revenue to sustain this type of requirement. That capital is money that EPN needs to pay for equipment, services, as well as to deploy its own facilities where it is economically feasible, and other UNEs to provide and maintain customer service. When this amount is added to the costs of filing and litigating a complaint with the Commission, it is obvious that the cost of meeting SWBT's demands is excessive and anti-competitive. In reality, EPN would still be paying the Special Access charges (which it should not have to do because SWBT is obligated to provide UNEs); it's just that SWBT would not receive all of the fees. EPN, however, would still have to suffer the burden of paying the excessive charges even though SWBT doesn't collect them (and might never). Therefore placing the difference between the Special Access price and the UNE price for

---

<sup>8</sup> A DSI Channel termination from SWBT's FCC 73 Tariff is \$180.00 on a month to month basis. A DS1 UNE loop is either approximately \$44/month for a DS1 provisioned over HDSL, or \$76/month for other DS1 loops.

the DS1 loops into the escrow account would ~~serve~~ to ~~harm~~ EPN with no benefit to SWBT.

18. In addition, SWBT is now rejecting all EPN orders for facilities to serve ~~our~~ wireless **carrier** customer. It appears SWBT now **suspects** every order ~~from~~ EPN for ~~this~~ customer is **a** cell site. None of these ~~orders~~, however, were to **serve** cell sites. ~~This~~ practice is discriminatory, anti-competitive **and** raises a **serious** impediment to EPN's ability to ~~mean-~~ingfully compete with SWBT.
19. ~~Further~~ affiant sayeth not.

**VERIFICATION**

I hereby declare that ~~statements~~ in the foregoing Affidavit are true and correct to the best of my knowledge, information and belief. I declare under penalty of Perjury that the foregoing is true and correct.

SIGNATURE: Pantier Manias

NAME: Pantier Manias

TITLE: SVP

DATE 11/13/02

Subscribed and sworn to before me this 13<sup>th</sup> day of November, 2002.



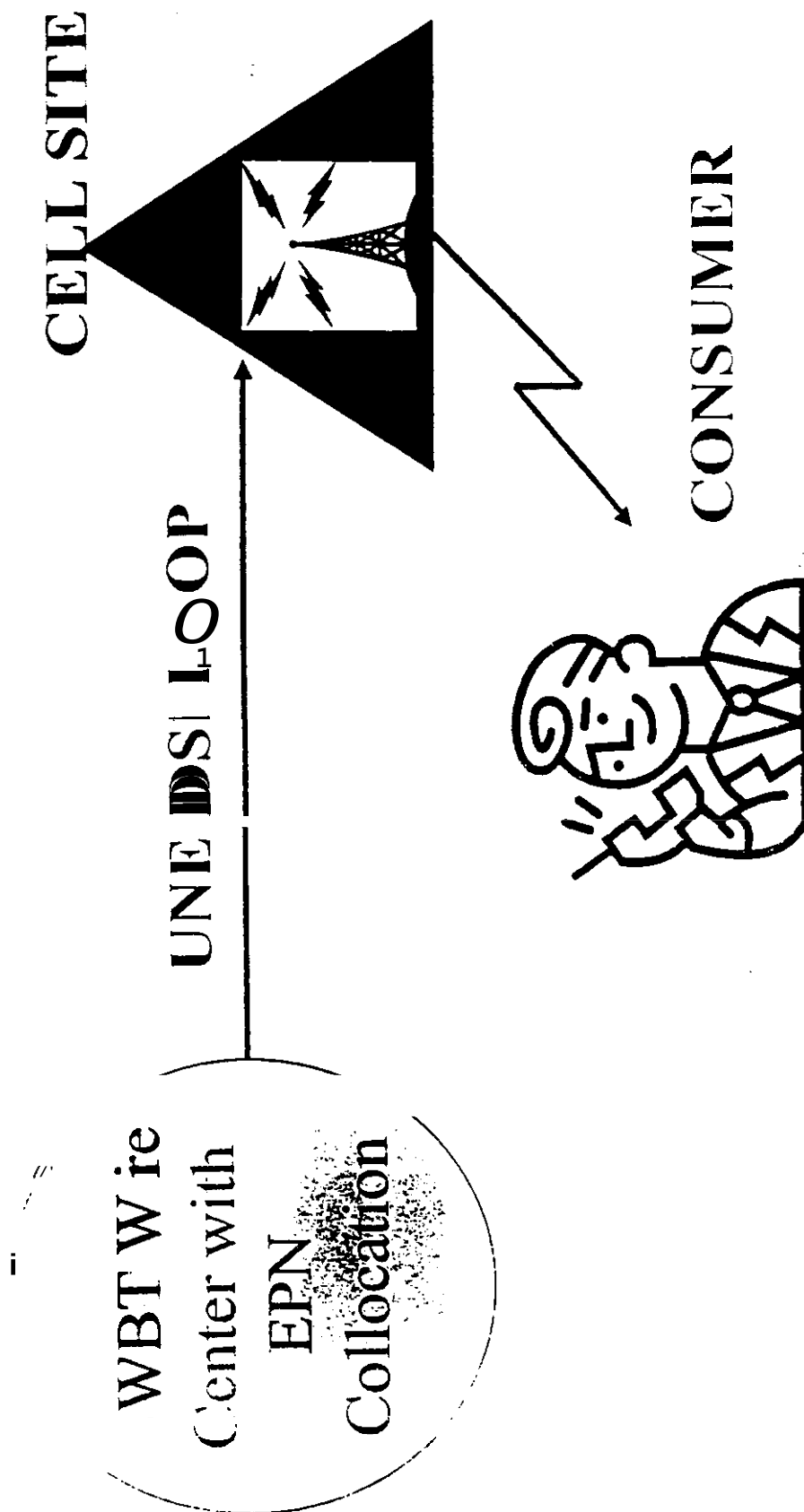
Ginny Cutburt  
Notary Public

My Commission expires on Sept. 22, 2004

## **EXHIBIT 4**

### **Diagram of How Wireless Carrier Utilizes Wireline Telecommunications**

# CURRENT EPN CELL SITE CONFIGURATION



## EXHIBIT 5

### **Verification of Pantios Manias**

VERIFICATION

STATE OF TEXAS            )  
                                      )  
COUNTY OF HARRIS        )       ss.

I, Pantios Manias, hereby declare under penalty of perjury, that I am Senior Vice President for ~~Carrier~~ Relations, Regulatory and Business Development for El Paso Global Networks, Inc.; that I am authorized to make this verification on behalf of El Paso Yetworks, LLC, the complainant; that I have read the foregoing Complaint; and that the facts stated therein are true and correct to the best of my knowledge, information and belief.



Pantios Manias  
Senior Vice Resident for Carrier Relations,  
Regulatory and Business Development  
El Paso Global Yetworks, Inc.

Subscribed and sworn to before me this 12<sup>th</sup> day of November, 2002.



 --  
Notary Public()

My Commission expires on Sept. 22, 2004.



**EXHIBIT 6**

**EPN Local Service Request**  
**Purchase Order** Number 1ULQ0217

[Home](#)[Local Service Request](#)[End User Information](#)[Local Service](#)[Directory Service Request Form](#)[Directory Listing](#)[Directory Service Caption Request Form](#)

## Local Service Request

[Administrative Section](#)  
[Bill Section](#)  
[Contact Section](#)  
[End Of Form](#)

### Administrative Section

[Next Section](#) [End of Form](#)

|                   |                |             |            |          |             |           |      |      |      |      |      |      |     |        |
|-------------------|----------------|-------------|------------|----------|-------------|-----------|------|------|------|------|------|------|-----|--------|
| CCNA              | PON            | VER         | LSRNO      | LOCOTY   | HTOTY       | AN        | ATN  | SC   |      |      |      |      |     |        |
| WLR               | TULQ0217DLLSGL |             |            |          |             |           |      |      |      |      |      |      |     |        |
| DTSENT            | DSPTCH         | DDD         | APPTIMEDDD | DDO      | APPTIMEDDDO | DEDT      |      |      |      |      |      |      |     |        |
| 05-07-2002-0230PM |                | 05-10-2002  |            |          |             |           |      |      |      |      |      |      |     |        |
| PROJECT           | CHC            | REBTYP      | ACT        | SUP      | EXP         | AFQ       | RTB  | CC   | AENG | NNSP | QNSP | ALBB | SCA | AGAATH |
|                   | AB             | N           |            |          |             | D         | 7015 |      |      |      |      | Y    |     | Y      |
| DATED             | AUTHNM         | PORTTYP     | ACTL       | AI       | APOT        | LST       | LSQ  |      |      |      |      |      |     |        |
| 05-07-2002        |                |             | DLLSTXHAK  | N        | 01001071101 |           |      |      |      |      |      |      |     |        |
| TQS               | SPEC           | NC          | PBT        | NCI      | CHANNEL     | SECNCI    | RPN  | RORD |      |      |      |      |     |        |
|                   | UNBLNT         | LY-         |            | 04QB9.11 |             | 04DU9.1SN |      |      |      |      |      |      |     |        |
| LSPAATH           | LSPAATHDATE    | LSPAATHNAME | LSPAN      | CIC      | CUST        | LSP       |      |      |      |      |      |      |     |        |
|                   |                |             |            |          |             |           |      |      |      |      |      |      |     |        |
| SAN               |                |             |            |          |             |           |      |      |      |      |      |      |     |        |

### Bill Section

DSGCON ROOM DSGCON CITY DSGCON STATE DSGCON ZIP

HOUSTON TX 77002

REMARKS

APOT 01091071101

[Administrative Section](#)  
[Location Access Section](#)  
[Inside Wire Section](#)  
[Bill Section](#)  
[Disconnect Information Section](#)  
[End Of Form](#)

## End User Information

### Administrative Section

Next Section Previous Section End of Form

DOTY

### Location Access Section

Next Section Previous Section End of Form

| LOGNUM | NAME | SAPR | SAND | SASE | SASD |
|--------|------|------|------|------|------|
| 001    |      |      | 3001 |      | S    |
|        | SASN | SATH | SASS |      |      |

## Firm Order Confirmation - Reject

Hunt Group Section  
 DID Section  
 Circuit Detail Section  
 Seder Section  
 Directory Section

### Administrative Section

Next Section

REJECTTYPE

FATAL

|                     |                |         |                   |              |                   |
|---------------------|----------------|---------|-------------------|--------------|-------------------|
| CCNA                | PON            | VER     | AN                | ATN          | LSRNO             |
| WLR                 | 11ULQ0217DLSGL |         |                   |              | 20020507L12397-00 |
| ORD                 | CNO            | INIT    | CDTSENT           | REP          |                   |
|                     |                |         | 05-08-2002-0621AM |              |                   |
| ST                  | IBT            | REP     | TELNO             | RT           | CHC               |
|                     |                |         |                   | E            |                   |
| BIZ                 | BAN2           | ECVER   |                   |              |                   |
|                     |                |         |                   |              |                   |
| REASON              |                |         |                   |              |                   |
| ERRORCODE ERRORTEXT |                |         |                   |              |                   |
| ESDD                | AFVR           | DSGCON  | NSPDSGCON         | DESIGN TELNO | QNSP              |
|                     |                |         |                   |              |                   |
| LORD                | CC             | COMDATE |                   |              |                   |
|                     | 7015           |         |                   |              |                   |

### Hunt Group Section

|   |  |  |  |  |  |  |  |  |  |
|---|--|--|--|--|--|--|--|--|--|
| Next Section  |  |  |  |  |  |  |  |  |  |
| Previous Section  |  |  |  |  |  |  |  |  |  |
| 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 |  |  |  |  |  |  |  |  |  |

Administrative Section  
Bill Section  
Contact Section  
End Of Form

**➔ Next Section**      **➔ End of Form**

|                   |                   |                    |                   |               |                     |               |             |             |             |             |             |             |            |               |
|-------------------|-------------------|--------------------|-------------------|---------------|---------------------|---------------|-------------|-------------|-------------|-------------|-------------|-------------|------------|---------------|
| <u>CCNA</u>       | <u>PQN</u>        | <u>VER</u>         | <u>LSRNO</u>      | <u>LOCOTY</u> | <u>HTOTY</u>        | <u>AN</u>     | <u>ATN</u>  | <u>SC</u>   |             |             |             |             |            |               |
| WLR               | TULQ0217DLLSGL    | 05                 |                   |               |                     |               |             |             |             |             |             |             |            |               |
| <u>DISENT</u>     | <u>DSPTECH</u>    | <u>DDD</u>         | <u>APPTIMEDDD</u> | <u>DDDD</u>   | <u>APPTIME/DDDD</u> | <u>DEFRT</u>  |             |             |             |             |             |             |            |               |
| 05-07-2002-0230PM |                   | 06-07-2002         |                   |               |                     |               |             |             |             |             |             |             |            |               |
| <u>PROJECT</u>    | <u>CHK</u>        | <u>REOTYP</u>      | <u>ACT</u>        | <u>SUP</u>    | <u>EXP</u>          | <u>AFO</u>    | <u>RTR</u>  | <u>CC</u>   | <u>AENG</u> | <u>NNSP</u> | <u>ONSP</u> | <u>ALOR</u> | <u>SCA</u> | <u>AGAUTH</u> |
|                   |                   | AB                 | N                 | 3             |                     |               | D           | 7015        |             |             |             | Y           |            | Y             |
| <u>DATED</u>      | <u>AUTHNM</u>     | <u>PORTTYP</u>     | <u>ACTL</u>       | <u>AI</u>     | <u>APOT</u>         | <u>LST</u>    | <u>LSO</u>  |             |             |             |             |             |            |               |
| 05-07-2002        |                   |                    |                   | DLSTXHAF      | N                   | 01001071102   |             |             |             |             |             |             |            |               |
| <u>TOS</u>        | <u>SPEC</u>       | <u>NC</u>          | <u>PBT</u>        | <u>NCI</u>    | <u>CHANNEL</u>      | <u>SECNCI</u> | <u>RPON</u> | <u>RORD</u> |             |             |             |             |            |               |
|                   | UNBLNT            | LY-                |                   | 040B9.11      |                     | 04DU9.1SN     |             |             |             |             |             |             |            |               |
| <u>LSPAUTH</u>    | <u>LSPAUTDATE</u> | <u>LSPAUTHNAME</u> | <u>LSPAN</u>      | <u>CIC</u>    | <u>CUST</u>         | <u>LSP</u>    |             |             |             |             |             |             |            |               |
|                   |                   |                    |                   |               |                     |               |             |             |             |             |             |             |            |               |
| <u>SAN</u>        |                   |                    |                   |               |                     |               |             |             |             |             |             |             |            |               |

### Bill Section

Next Section Previous Section End of Form

|                 |                 |                |              |              |                |
|-----------------|-----------------|----------------|--------------|--------------|----------------|
| INIT            | INIT TELNO      | INIT EMAIL     |              |              |                |
| INIT FAXNO      | INIT STREET     | INIT FLOOR     | INIT ROOM    | INIT CITY    |                |
|                 | 1001 LOUISIANA  | 25             |              | HOUSTON      |                |
| INIT STATE      | INIT ZIP        | IMPCON NAME    | IMPCON TELNO | IMPCON PAGER | ALTIMPCON NAME |
| TX              | 77002           |                |              |              |                |
| ALTIMPCON TELNO | ALTIMPCON PAGER | DSGCON         | DRC          | DSGCON TELNO | DSGCON FAXNO   |
|                 |                 |                | FAX          |              |                |
| DSGCON EMAIL    |                 | DSGCON STREET  |              | DSGCON FLOOR |                |
|                 |                 | 1001 LOUISIANA |              | 25           |                |
| DSGCON ROOM     | DSGCON CITY     | DSGCON STATE   | DSGCON ZIP   |              |                |
|                 | HOUSTON         | TX             | 77002        |              |                |

REMARKS

APOT 01DS1071102...THIS LOCATION IS A CELL SITE SUPP TO CRANGE ADDRESS

Administrative Section  
 Location Access Section  
 Inside Wire Section  
 Bill Section  
 Disconnect Information Section  
 End Of Form

## End User Information

### Administrative Section

## Administrative Section

☐ Next section
 ☒ Previous Section
 ☐ End of Form

DOTY

## Location Access Section

☐ Next Section
 ☒ Previous Section
 ☐ End of Form

| LOCNUM | NAME | SAPR | SANO | SASE | SASD |
|--------|------|------|------|------|------|
| 001    |      |      | 3001 |      | S    |

| SASN    | SATH  | SASS |
|---------|-------|------|
| CENTRAL | EXPWY |      |

| FLOOR | ROOM   | BLOG | CITY     | STATE | ZIP   |
|-------|--------|------|----------|-------|-------|
|       | STE D3 |      | MCKINNEY | TX    | 75070 |

| LCDN | LCDN TELNO | EUMI |
|------|------------|------|
|      |            |      |

ACC

PLEASE CALL AHEAD FOR ACCESS. THIS LOCATION IS A CELL SITE

| WSOP | CPEMER | CPEMOD | ERL | INT | STREET |
|------|--------|--------|-----|-----|--------|
|      |        |        |     |     |        |

[Home](#)   [Local Service Request](#)   [End User Information](#)   [Loop Service](#)



## Local Service Request

[Administrative Section](#)  
[Bill Section](#)  
[Contact Section](#)  
[End Of Form](#)

### Administrative Section

[Next Section](#)   [End of Form](#)

|                                     |                                     |                                     |                                     |                                     |                                     |           |      |      |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-----------|------|------|
| CCNA                                | PON                                 | VER                                 | LSRNO                               | LOCQTY                              | HTQTY                               | AN        | ATN  | SC   |
| WLR                                 | 1ULQ02303DLLSR                      |                                     |                                     |                                     |                                     |           |      |      |
| DTSENT                              | DSPTCH                              | DDD                                 | APPTIMEDDD                          | DDDO                                | APPTIMEDDDO                         | DFDT      |      |      |
| 06-05-2002-1110AM                   | <input checked="" type="checkbox"/> | 06-10-2002                          |                                     |                                     |                                     |           |      |      |
| PROJECT                             | CHC                                 | REQTYP                              | ACT                                 | SUP                                 | EXP                                 | AEO       | RTR  | CC   |
|                                     | <input checked="" type="checkbox"/> | AB                                  | N                                   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |           | D    | 7015 |
|                                     |                                     |                                     |                                     |                                     |                                     |           |      |      |
| AENG                                | NNSP                                | ONSP                                | ALBR                                | SCA                                 | AGAUTH                              |           |      |      |
| <input checked="" type="checkbox"/> |                                     |                                     | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Y                                   |           |      |      |
| DATED                               | AUTHNM                              | PORTTYP                             | ACTL                                | AI                                  | APOT                                | LST       | LSO  |      |
| 06-05-2002                          |                                     | <input checked="" type="checkbox"/> | OLLSTXREHE                          | N                                   | 01126020646                         |           |      |      |
| TQS                                 | SPEC                                | NC                                  | PBT                                 | NCI                                 | CHANNEL                             | SECNCI    | RPON | RORD |
|                                     | UNBLNT                              | LY--                                | <input checked="" type="checkbox"/> | 04QB9.11                            |                                     | 04DU9.1SN |      |      |
| LSPAUTH                             | LSPAUTHDATE                         | LSPAUTHNAME                         | LSPAN                               | CIC                                 | CUST                                | LSP       |      |      |
|                                     |                                     |                                     |                                     |                                     |                                     |           |      |      |
| SAN                                 |                                     |                                     |                                     |                                     |                                     |           |      |      |

### Bill Section

../St tusQueryDet il&NF\_Field.Ilec=SW &NF\_Field.id=1ULQ02280AUSTRA&NF\_Field.Ver=&NF\_Field.Type=new&NF\_Field.6/5/2002



## REMARKS

INSTALL NEW UNE DS1.ALT LCON TELNO 469-360-0090

## End User Information

[Administrative Section](#)  
[Location Access Section](#)  
[Inside Wire Section](#)  
[Bill Section](#)  
[Disconnect Information Section](#)  
[End Of Form](#)

## Administrative Section

DQTY

## Location Access Section

| LOCNUM        | NAME | SAPR | SANO | SASF | SASD |
|---------------|------|------|------|------|------|
| 001           |      |      | 3001 |      | S    |
| SASN          |      | SATH |      | SASS |      |
| CENTRAL EXPWY |      |      |      |      |      |
| SADLO         |      |      |      |      |      |
|               |      |      |      |      |      |

7/2

## Circuit Detail Section

[Previous Section](#)

Circuit Detail

| LOCNUM | LNUM | ECCKT              | CKR                  | PORTEDNBR | TER | CFA | DISCNBR | TLI |
|--------|------|--------------------|----------------------|-----------|-----|-----|---------|-----|
|        | 001  | 14.HCRC.200172..SW |                      |           |     |     |         |     |
|        | 001  |                    | 03.HCRU.000581..EPGN |           |     |     |         |     |

[Home](#)[Service Order Completion](#)

# Service Order Completion

Administrative Section  
Circuit Detail Section

## Administrative Section

### Next Section

|            |                |                   |         |           |                    |                |            |       |
|------------|----------------|-------------------|---------|-----------|--------------------|----------------|------------|-------|
| CCNA       | PQN            | VER               | AN      | ATN       | RDTSENT            |                |            |       |
| WLR        | IULQ02303DLLSR |                   |         |           |                    |                |            |       |
| EAN        | EATN           | CD                | RI      | EBD       | TIND TIMEONJOB MTL |                |            |       |
|            |                |                   | Z       |           |                    |                |            |       |
| MCOST      | REP            | TELNO             |         |           |                    |                |            |       |
|            | MOG MECHANIZ   |                   |         |           |                    |                |            |       |
| REMARKS    |                |                   |         |           |                    |                |            |       |
|            |                |                   |         |           |                    |                |            |       |
| RD         | CC             | LSRNO             | ORD     | REFNUM    | TNS                | CDTSENT        | COMDATE    |       |
| 06-10-2002 | 7015           | 20020605L08696-00 | C838041 |           |                    | 06-08-2002-06C | 06-07-2002 |       |
| BAN1       | BI1            | BAN2              | BI2     | CHC       | DSGCON             | EDT            | INIT       | NPORD |
|            |                |                   |         |           |                    |                |            |       |
| LORD       | RTI            | DESIGN_TELNO      | RNEX    | NSPDSGCON |                    | REP_TELNO      |            |       |
|            |                |                   |         |           |                    |                |            |       |

m

**EXHIBIT 7**

**EPN Local Service Request  
Purchase Order Number 1ELQ02226**